

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

DICK ANAGNOST,  
H. ANDREW CREWS and  
WILLIAM GREINER

COPY

v.

THE MORTGAGE SPECIALISTS, INC.  
MICHAEL J. GILL and  
AARON DAY

and

JOHN DOE TRUSTEE PROCESS DEFENDANTS

DOCKET NO: 216-2016-CV-00277

**DEFENDANTS' SUPPLEMENT IN SUPPORT OF MOTIONS**  
**ARGUED AT JUNE 21, 2016 HEARING**

On June 21, 2016 the Defendant, The Mortgage Specialists, Inc. ("MSI") and Michael J. Gill ("Gill"), Pro Se, (collectively, "Defendants") appeared before the Court to address four motions: (1) to Recuse the Court; (2) to Disqualify Shaheen & Gordon, P.A.; (3) to Preclude Extrajudicial Statements; and (4) to Attach with Notice. In view of the time constraints on the hearing, Defendants respectfully submit the following supplemental information in support thereof.

**I. Motion to Recuse the Court & Motion to Disqualify Shaheen & Gordon**

1. Justice N. William Delker has on his recusal list Attorney James D. Rosenberg ("Rosenberg"), Shareholder/Director of Shaheen & Gordon. Attorney Rosenberg represented Defendant Gill from 2004-2007 on a Zoning Board Issue (0477-CV-01934).

2. In dispute of the testimony provided by Attorney Gordon at the June 21, 2016 hearing – Shaheen & Gordon began working for the Defendants in 2002 until 2009. Although billing statements indicate through 2009, Attorney Arpy Saunders did not withdraw as the Intervenor on Defendant Gill’s divorce case until June 21, 2010. See Exhibit A.

3. All of the attorneys at Shaheen & Gordon that worked on matters for the Defendants worked extensively with the Defendants’ Controller and Executive/Personal Assistant, Lisa Tracy (“Ms. Tracy”). There was only one direct communication with the Defendants (February 8, 2007), as seen in the billing statements from February 2007 – December 2007. See Exhibit B. All other communications and correspondence went through Ms. Tracy. Ms. Tracy reviewed and screened Defendant Gill’s emails and written correspondence.

4. Ms. Tracy worked for Defendant Gill for approximately 30 years and had extensive knowledge of the business practices, confidential information, and proprietary information of Defendant MSI. Additionally, Ms. Tracy had extensive knowledge of Defendant Gill’s personal, private life, his thought processes, and strategic planning. As Defendant Gill’s Executive/Personal Assistant, she developed the ability to anticipate his needs, his plan of action, and subsequent responses not only in his business environment, but in his personal life as well. Ms. Tracy was Defendant Gill’s closest and most trusted associate at MSI.

5. On November 1, 2008, Ms. Tracy’s husband James Tracy was arrested by the Salem Police Department. He was charged with Aggravated Felonious Sexual Assault (ACN: 007025J082180213801) of one of their daughters. A case was filed with the Rockingham Superior Court on May 5, 2009 (Case No. 218-2009-CR-02138). See Exhibit C. The Tracys’ turned to Shaheen & Gordon for their counsel. Mr. Tracy was represented by James D. Rosenberg.<sup>1</sup> See Plaintiffs’ Response to JCC Rule 2.11. ¶ 1. Attorney Rosenberg touts his

success in this case on his Biography page on the Shaheen & Gordon website; “Charges Dropped in Felony Sexual Assault – Rockingham County Felony sexual assault charges dropped following pointed defense investigation which uncovered innocent explanation for alleged sexual contact.”

6. Ms. Tracy and her husband were desperate to make this ‘go away’ and they were leveraged by Shaheen & Gordon to destroy documents, email correspondence, and other evidence that the Defendants had in their possession. The Defendants would have used the destroyed evidence in support of their position in various pending litigations involving several New Hampshire agencies, Defendant Gill’s divorce, as well as litigation against some of New Hampshire’s largest law firms. See Exhibit D. Ms. Tracy had access to all files and computers within MSI, including access to employee emails. She used her authority to destroy pertinent evidence, and/or withheld information and documentation from Defendant Gill that she knew or should have known after decades working for the Defendants, would be detrimental to the company. Ms. Tracy’s actions were extremely detrimental to the efforts in pending litigation matters. Ms. Tracy was working with the adversary parties in the matters listed in Exhibit D, as well as Shaheen & Gordon, P.A.. She was informing them about all of the Defendants’ confidential information, legal strategies, and pending issues.

7. A private attorney working for the Defendants, Attorney Marisa Pizzuto (“Pizzuto”), sent a series of text messages to Defendant Gill over time pertaining to having ‘moles’ within MSI. She was concerned for Defendant Gill’s safety. She stated that “[i]t is all the powerful big firms...all the ones you have sued...connected to the judiciary...certain judges...this is the closed network protecting eachother & running all the show...Again, you keep underestimating the fear factor of this very evil corrupt group...at the top beyond just

criminal.” She stated “You will never get justice in the NH.” See Exhibit E. Ms. Tracy discovered that Attorney Pizzuto was seeking criminal charges against various attorneys and NH Agencies. Ms. Tracy warned the individuals named in the criminal issues, who then threatened Attorney Pizzuto. The attorney abruptly left working for the Defendants in fear for her life. In Exhibit E, Attorney Pizzuto mentions another Attorney “Darla” [“Sedgewick”], who was ‘set up’ and had at an earlier date stopped working for the Defendants. Attorney Sedgwick sent text messages to Defendant Gill indicating that she was fearful of her life, living in another state, and asked him to reach out to attorneys to help her. See Exhibit F.

6. Additionally, Ms. Tracy was directly responsible for the hiring of in-house counsel and in-house employees who were co-conspiring with opposing counsel/parties, to specifically put MSI out of business. Ms. Tracy was responsible for the appointment of counsel and legal department employees for the Defendants. Ms. Tracy covered up obvious and intentional errors and on the Defendants’ taxes and deliberately did not report them to Defendant Gill. Ms. Tracy stated that she put her name on two (2) forgeries in an effort to protect the attorneys and law firms who were trying to harm the Defendants, either personally or financially. Ms. Tracy was made aware of a settlement agreement made by the IRS pertaining to all outstanding issues. She failed to inform Defendant Gill of the settlement offer. After her termination from MSI on April 21, 2014, the IRS settlement agreement was discovered upon cleaning her office. Ms. Tracy continued to provide adversarial counsel and Shaheen & Gordon, P. A with confidential information up until the day she was terminated. There was significant confidential factual information that would materially advance the Plaintiff’s position obtained by the Plaintiffs’ counsel, but it was obtained through nefarious means.

6. On January 29, 2013, Attorney Edward W. Little, Jr. requested the return and preservation of documents and other information in the possession of Shaheen & Gordon, P.A. On February 29, 2013, Steven M Gordon replied that there were approximately 20 banker boxes of documents in their possession. See Exhibit G. These boxes were very received by the Defendants. At the hearing on June 21, 2016, Steven Gordon stated that all records pertaining to the Defendants were destroyed. While NH Rule of Professional Conduct 1.15 does not impose a specific time period for storing or destroying client records, NH Supreme Court Rule 50(2)(B) and NH Rule of Professional Conduct 1.15 provide that an attorney must retain records and materials related to "the handling, maintenance and disposition of all funds and other property of the client at any time in the lawyer's possession . . . for a period of six years after final distribution of such funds or other property or any portion thereof." N.H. R. Prof. Cond. 1.15; N.H. Sup. Ct. R. 50(2)(B). As Attorney Arpy Saunders did not withdraw as the Intervenor on Defendant Gill's divorce case until June 21, 2010, those records should still be available to the Defendants.

7. Attorney Little was hired by Ms. Tracy and was suspected of being a 'mole' by Attorney Pizzuto. In a series of text messages, Attorney Little stated that he had "[l]egal docs about ur divorce that you have never seen and files. I can show you pics, ranging from mr. Walker to ur exwife sarah, to lisa t. To the attorney that represented her and jim." [referring to Attorney Rosenberg of Shaheen & Gordon, P.A.] Additionally, he indicates there are tapes of Defendant Gill, a 'mole' in the business, people get shipped out of state (alluding to Attorney Sedgewick), and that Defendant Gill's phone is tapped. Attorney Little asks for funds to ensure the safety of his children in exchange for the evidence/ information he has in his possession. Attorney Little offers to give Defendant Gill information about a 'rat' in his business and

confirms that one of them was Ms. Tracy, but there is another bigger one. He is in need of protection and the authorities are “owned” by them (individuals leveraging Defendant Gill). See Exhibit H. He also alludes to and threatens Defendant Gill’s children.

8. In 2013 Attorney Michael Parousis was counsel for the Defendants in Case No. 1:13-CV-11241-RWZ in U.S. District Court – Massachusetts entitled Gill et al v Morrison Mahoney, LLP, Nicholas Alexander, and Eric Renner. On July 10, 2013 Attorney Parousis received a confidentiality agreement from Attorney Robert A. Curley (counsel for Morrison Mahoney – Insured by Liberty Mutual) via email. See Exhibit I. Attorney Parousis replied on July 12, 2013 that Defendant Gill would agree to a \$50 Million settlement, but not a confidentiality agreement. Defendant Gill wanted to ensure that individuals engaged in criminal activities would not acquire immunity/his silence by the confidentiality agreement. On July 26, 2016, Attorney Parousis received another email with a list of Initial Disclosures for Morrison Mahoney, LLP. The list is extensive and includes attorneys involved with legal matters that are, to this day, still pending resolution: IRS Issues, NH Department of Revenue Issues, and NH Banking Department Issues. See Exhibit J. Had the confidentiality agreement been signed by Defendant Gill, he would not have been able to disclose information on his pending cases, on any of the individuals on the Initial Disclosures list, or even the \$50 Million Dollar settlement offer. According to the Confidentiality Agreement, every piece of information could have been marked confidential and sealed; hiding legal misconduct, legal malpractice, criminal activities, and Federal crimes. William Shaheen, Arpiar Saunders, Lisa Tracy, & Attorneys Pizzuto, Little, Sedgewick are just some of the individuals on that list as well as several law firms.

9. The Rules of Professional Conduct and Attorney Discipline system are impotent. They do not serve the interests of the Citizens of New Hampshire, especially when attorneys can

dance around the Rules, while hiding criminal activities in plain sight. Attorneys at Shaheen & Gordon obtained confidential factual information that would materially advance the Plaintiff's position. The Defendants assert that for the

## **II. Motion to Preclude ExtraJudicial Statements**

10. Regarding the Motion to Preclude Extrajudicial Statements, the Court referenced the "safety valve" provided by the New Hampshire Rules of Professional Conduct 3.6(c)(1) which allows:

*(c) Notwithstanding paragraph (a), a lawyer may state:*

- (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;*
- (2) information contained in a public record;*
- (3) that an investigation of a matter is in progress;*
- (4) the scheduling or result of any step in litigation;*
- (5) a request for assistance in obtaining evidence and information necessary thereto;*
- (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest;*

The Defendants are not Lawyers, and as non-lawyers are required to adhere to the provisions set forth in the New Hampshire Rules of Professional Conduct 8.5(c), which does NOT include Rule 3.6:

*(c) Application of Rules to Nonlawyer Representatives. Rules 1.2, 1.3, 1.4, 1.14, 1.15, 3.1, 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3, 4.4, 8.2(a), and 8.4 of the Rules of Professional Conduct shall apply to persons who, while not lawyers, are permitted to represent other persons before the courts of this jurisdiction pursuant to RSA 311:1. The committee on professional conduct shall have jurisdiction to consider grievances alleging violations of these Rules of Professional Conduct by nonlawyer representatives.*

However, with respect for the Court, the Defendants have endeavored to adhere to the “safety valve” provisions in Rule 3.6 (c)(1). All of the pleadings in this case are public records, including the Exhibits provided the Court to support the claims of the Plaintiffs or Defendants. Defendant Gill has stated that there is an investigation in progress, which is permitted by Rule(c)(3). Defendant Gill has requested assistance and additional evidence for the Defense be brought forth by the public, which is permitted by Rule(c)(5). Defendant Gill has warned the public where there is reason to believe that there exists the likelihood of substantial harm to an individual, witnesses, individuals with discoverable documents, communications and/or ESI or to the public interest, which is permitted by Rule(c)(6).

Additionally, Defendant Gill retains the reporters’ privilege to disseminate information that is of public interest and concerns the issue of public safety. The Motion to Preclude the Defendant from extrajudicial statements is unwarranted.

### **III. Motion to Attach**

11. Regarding the Motion to Attach, the Defendants incorporate the following items and submit to the Court as Exhibit K:

- a. 2 – separate 91A requests sent to the NH Department of Safety- Narcotics & Investigation Unit pertaining to Case # NI-87-108 and arrest of Richard Anagnost for drug trafficking.

On request #1, please note that on Friday May 6, 2016 the case was found and went into review. On Tuesday, May 10, 2016 the case was still in review for approval for release. On Thursday May 12, 2016 Commander Captain Mark Armiganian stated that “there are no public governmental records responsive to your request.” You cannot find a case then later state that it does not exist.

On request #2, please note that on Tuesday, May 10, 2016 the case was found and in review for approval. On Thursday May 12, 2016 Commander Captain Mark Armiganian stated that “there are no public governmental records responsive to your request.”



- b. Text messages from John/Jane Doe #3 regarding the involvement of Plaintiff Anagnost biker gangs, selling cocaine, manufacture of fentanyl, transportation across state lines, & connections in New York and MA for drugs.

These are just 2 of many items the Defendants will bring forth as evidence to support the defense of the truth or substantial truth of the alleged defamatory statements brought forth in the Plaintiff's Complaint. Due to the nature of the statements and additional exhibits brought forth in this Supplement, we incorporate this Supplement and its attached Exhibits in support of the Motion for Protective Order filed with the Court on 07/01/2016. The Defendants assert that the Motion to Attach is part of an evidence grab by the Plaintiffs and their counsel. The Defendants assert that with the additional information in their possession, they will refute the Plaintiffs allegations of Defamation. A Motion to Attach is unwarranted.

WHEREFORE, the Defendants respectfully request this Honorable Court:

- A: Uphold the Defendant's Motion to Recuse Opposing Counsel;
- B: Deny the Plaintiffs' Motion to Preclude Extrajudicial Statements;
- C: Deny the Plaintiffs' Motion to Attach;
- D: Enter such further relief as is just and necessary.

CERTIFICATE OF SERVICE

I, Michael Gill, do hereby certify that pursuant to New Hampshire Superior Court Rule 3(a), I have this day served the foregoing **Defendants' Supplement in Support of Motion Argued at June 21, 2016 Hearing**, to all counsel of record in this action via first class mail prepaid postage to:

*Counsel for Plaintiffs*

Timothy McLaughlin, Esquire  
Steve Gordon, Esquire  
107 Storrs Street  
Box 2703  
Concord, NH 03302

*Counsel for Aaron Day*

Peter L. Bosse, Esquire  
Jonathan P Killeen, Esquire  
650 Elm Street, Suite 404  
Manchester, NH 03101

Dated: 07/01/2016

By: 

Michael Gill, *Pro Se*  
69 Conleys Grove Rd.  
Derry, NH 03038

(603) 819-3419

By: 

The Mortgage Specialists  
Michael Gill, *Pro Se*  
2 Main Street  
Plaistow, NH 03865

(603) 382-3785

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I, Michael Gill, do hereby certify that pursuant to New Hampshire Superior Court Rule 3(a), I have this day served the foregoing **Defendants' Supplement in Support of Motion Argued at June 21, 2016 Hearing**, to all counsel of record in this action via first class mail prepaid postage to:

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**DEFENDANTS' RULE 22 AUTOMATIC DISCLOSURES**

Defendant, The Mortgage Specialists, Inc. ("MSI") and Michael J. Gill ("Gill"), Pro Se, (collectively, "Defendants") in the above captioned matter hereby submit the following automatic disclosure, in accordance with New Hampshire Superior Court Civil Rule 22.

The below disclosures do not constitute admissions as to the relevance or admissibility of the identified materials or a waiver of any attorney-client privilege, work product protection or other applicable protection or immunity. The Defendants investigation of the facts of this above captioned matter is ongoing. The Defendants reserve the right to introduce evidence at the time of trial from any source and any witness that may ultimately be discovered. No incidental or implied admissions are intended by these disclosures; rather, the Defendants are adhering to their obligation set forth in New Hampshire Superior Court Civil Rule 22 and applicable Court orders. Additionally, if the Defendants unintentionally fail to include information which would

otherwise have been provided in these disclosures, the Defendants reserve the right to supplement these disclosures with the omitted information without prejudice. All of the foregoing paragraph is incorporated into each section below.

**I. Rule 22(a)(1).**

**The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support his or her claims or defenses, unless the use would be solely for impeachment, and, unless such information is contained in a document provided pursuant to Rule 22 (a)(2), a summary of the information believed by the disclosing party to be possessed by each such person.**

- Michael J. Gill. Mr. Gill can be contacted by First Class Mail at: 69 Conley's Grove Road, Derry, NH 03038. Mr. Gill is one of the named defendants and is expected to testify as to the underlying allegations directed towards him as set forth in the plaintiff's Verified Complaint. Mr. Gill will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- Detective Terrance Kinneen. Detective Kinneen (retired) will testify in support of the Defense pertaining to the arrests of Plaintiff Anagnost for drug dealing, use of motorcycle gangs to transport drugs, arrest of Plaintiff Anagnost for rape, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-01 - John/Jane Doe - will testify in support of the Defense pertaining to drug trafficking, laundering drug money, Secret Grand Jury investigation of Plaintiffs Anagnost and Greiner, warehousing of drugs, laundering money at Plaintiff Greiner's Primary Bank, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-02 - John/Jane Doe - will testify in support of the Defense pertaining to drug trafficking, weapons trafficking, police corruption protecting drug dealers, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-03 - John/Jane Doe - will testify in support of the Defense pertaining to drug dealing, the arrest of drug dealers that were able to leave the police department without charges or arrest records, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-04 - John/Jane Doe - will testify in support of the Defense pertaining to drug dealing by Plaintiff Anagnost, extortion by Plaintiff Greiner, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.

- CI-05 – John/Jane Doe will testify in support of the Defense pertaining to illegal activities at the in Charitable Gaming operations owned by Plaintiff Anagnost tax fraud, bribery of public officials, racketeering, and prostitution, the selling drugs out of Manchester Poker Room, use of Plaintiff Anagnost' Private Investigative business (DATN Investigations Inc.) for illegal activities, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-06 John/Jane Doe – will testify in support of the Defense pertaining to death of CI-06's child from heroin purchased from Plaintiff Anagnost.
- CI-07 – John/Jane Doe – will testify in support of the Defense pertaining to sale of drugs in local high schools and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-09 - John/Jane Doe – will testify in support of the Defense pertaining to laundering drug money, securities fraud, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-10 – John/Jane Doe - will testify in support of the Defense pertaining to Plaintiff Anagnost's drug dealing, used wealth from drug trafficking to start his businesses, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-13 John/Jane Doe – will testify in support of the Defense pertaining to Federal Drug Task force investigation regarding Plaintiff Anagnost, misappropriation of federal funds by Plaintiff Anagnost, corruption of public officials by Plaintiff Anagnost, corruption in charitable gaming, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-14 – John/Jane Doe will testify in support of the Defense pertaining to Federal Drug Task force investigation regarding Plaintiff Anagnost's drug trafficking, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-15 – John/Jane Doe - will testify in support of the Defense pertaining to drug dealing by Plaintiff Anagnost, extortion by Plaintiff Greiner, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-16 – John/Jane Doe – will testify in support of the Defense pertaining to drug trafficking by Plaintiff Anagnost, extortion by Plaintiff Greiner, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-17 – John/Jane Doe – will testify in support of the Defense pertaining to the hiding of illegally obtained funds, laundering of drug money at Primary Bank, Member's First Credit Union, and Granite State Credit Union, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.

- CI-19 – John/Jane Doe – will testify in support of the Defense pertaining to corruption and bribing of police officers, drug trafficking by Plaintiff Anagnost, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-20 – John/Jane Doe – will testify in support of the Defense pertaining to the involvement of the Greek & New York mafia connections with Plaintiff Anagnost's drug dealing, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-21 – John/Jane Doe – will testify in support of the Defense pertaining to the use of automobiles from various AutoFair dealerships for transportation of drugs by Plaintiff Crews, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-23 – John/Jane Doe – will testify in support of the Defense pertaining to extortion by Plaintiff's Plaintiff Greiner.
- CI-24 – John/Jane Doe – will testify in support of the Defense pertaining to the illegal use of HUD funds to hire illegal aliens, use of illegal aliens to traffick drugs into New Hampshire, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-25 – John/Jane Doe – will testify in support of the Defense pertaining to the illegal use of HUD money for Plaintiff Anagnost's building projection, illegal use of HUD money for Plaintiff Greiner's building project – Bedford Hills Apartment Complex, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-26 – John/Jane Doe – will testify in support of the Defense pertaining to various arrests of Plaintiff Anagnost for drug trafficking, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-27 – John/Jane Doe – will testify in support of the Defense pertaining to the use of political muscle to thwart DEA investigations of Plaintiff Anagnost, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-29 – John/Jane Doe – will testify in support of the Defense pertaining to exchange of cash for drugs by Plaintiff Anagnost, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.
- CI-45 – John/Jane Doe – will testify in support of the Defense pertaining to Plaintiff Anagnost and his son, Alexander Anagnost's, involvement in drug trafficking, use of motorcycle gangs to transport drugs, use of secret compartment in cars supplied by Plaintiff Crews to transport drugs, illegal distribution of prescription drugs through local hospitals, and will further rely upon any and all documents submitted as part of this disclosure or in discovery.

The Defendants state that individuals employed by, former employees, former & current registering agents, former & current Board of Directors, former & current members, former & current contractors/subcontractors for the following entities may also have knowledge of matters relevant to the claims or defenses of said Defendant:

1. Anagnost Companies
2. Anagnost Investments, Inc.
3. Anagnost Investment Group
4. Andel Management, Inc.
5. ACA Investments, Inc. (ACA Construction and Maintenance Co.)
6. Acropolis Property Management and Construction/Maintenance, LLC.
7. AC Customs, Inc.
8. ACF Gallery, LLC
9. Andover Consignment Furniture
10. A.W. Rose Construction, LLC
11. Business NH Magazine
12. Dass Development Corp
13. DATN Investigations, Inc.
14. Deck One Management, LLC
15. DELTA-TAF, LLC
16. Demetrias Crossing, LLC
17. DDA Apartments, Inc.
18. Dove Lane Development, LLC
19. Dover Amusement Group, LLC
20. East Coast Electronic Material Supply, LLC
21. Ellas Distributors, LLC
22. Filoi Investments, LLC
23. Gervais Asset Management
24. Goffstown Fitness, LLC
25. Hope for NH Recovery
26. HJB Daniel Plummer, LLC
27. J.T. Inc. (Corey Square Pizza)
28. KVN Realty Inc.
29. Manchester Harley Davidson
30. Manchester/Concord/Amoskeag Bingo
31. Manchester Police Department
32. Member's First Credit Union
33. Metropolis Property Management Group, Inc.
34. Nashua Harley Davidson
35. NHSP Investigative Services Bureau (Major Crime Unit)
36. Omega Financial, Inc.
37. Parthenon Investment Group, LLC
38. Pembroke Commercial Group, Inc.
39. Pizza Ventures, LLC
40. Queen City Industrial Food Service, Inc.
41. RV's of New Hampshire
42. Scott Lawson Group, LTD.
43. South Seas Realty Corp.
44. S&D, P Construction Management
45. Universal Auto Brokers, Inc.
46. Universal Gaming



47. West Side Bingo, LLC

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1. AutoFair Automotive Group, Inc.
  2. AutoFair Companies
  3. AutoFair, Inc.
  4. Crews Holdings, Inc.
  5. Planet Automotive
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1. Greiner Investments, LLC
2. Greiner/Niles, LLC
3. Greiner/Niles Investor, Inc.
4. A.S.C. Realty, LLC
5. Malbaie River Outfitters
6. Great New Hampshire Restaurants
7. Primary Bank
8. Bedford Town Counsel
9. Bedford Town officials and employees
10. Bedford Taxpayers Association
11. FinPro, Inc.

**Rule 22(a)(2).**

**A copy of all documents, electronically stored information, and tangible things that the disclosing party has in his or her possession, custody, or control and may use to support his or her claims or defenses, unless the use would be solely for impeachment.**

1. The Defendants Object to Rule 22(a)(2) pursuant to a ruling by this Court on Defendant's Motion for Protective Order.
2. Any and all documents and things produced in the course of discovery including all answers to interrogatories, requests for production of documents, deposition transcripts, and any exhibits or attachments. In reserving this right, the Defendant does not waive the right to object to the entry of the above-mentioned exhibits into evidence at trial.
3. Any and all photographs, video, and audio produced through discovery and automatic disclosures, or otherwise relating to this matter in any way.
4. Any and all documents and things referenced or produced in the plaintiff's and co-defendants' automatic disclosures. In reserving this right, the Defendants do not waive the right to object to the entry of the above-mentioned items into evidence at trial.
5. Defendants reserve their right to amend this list of documents and items at any time with notice to the Plaintiffs and Co-Defendants as additional information becomes known or necessary.

**II. Rule 22(a)(3)**

**A computation of each category of damages claimed by the disclosing party together with all documents of other evidentiary materials on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

The New Hampshire Superior Court Rule 22(a)(3) are not applicable to the Defendants in this matter. The Defendants make no disclosure for this provision.

**III. Rule 22(a)(4)**

**For inspection and copying, any insurance agreement or policy under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy judgment.**

- Not applicable.

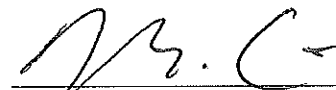
Respectfully submitted,

Defendant, Michael Gill, Pro Se

Defendant, MSI, Pro Se

Dated: 08/05/2016

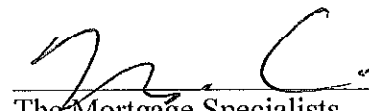
By:



Michael Gill, *Pro Se*  
69 Conleys Grove Rd.  
Derry, NH 03038

(603) 819-3419

By:



The Mortgage Specialists  
Michael Gill, *Pro Se*  
2 Main Street  
Plaistow, NH 03865

(603) 382-3785

CERTIFICATE OF SERVICE

I, Michael Gill, do hereby certify that pursuant to New Hampshire Superior Court Rule 3(a), I have this date served the foregoing **Defendants Rule 22 Automatic Disclosures**, to all counsel of record in this action via first class mail prepaid postage to:

*Counsel for Plaintiffs*

Timothy McLaughlin, Esquire  
Steve Gordon, Esquire  
107 Storrs Street  
Box 2703  
Concord, NH 03302

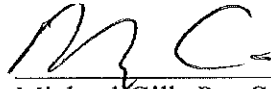
*Counsel for Aaron Day*

Peter L. Bosse, Esquire  
Jonathan P Killeen, Esquire  
650 Elm Street, Suite 404  
Manchester, NH 03101

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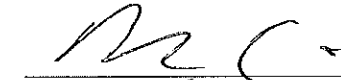
Dated: 08/05/2016

By:

  
Michael Gill, *Pro Se*  
69 Conleys Grove Rd.  
Derry, NH 03038

(603) 819-3419

By:

  
The Mortgage Specialists  
Michael Gill, *Pro Se*  
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NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

DICK ANAGNOST,  
H. ANDREW CREWS and  
WILLIAM GREINER

v.

THE MORTGAGE SPECIALISTS, INC.  
MICHAEL J. GILL and  
AARON DAY

and

JOHN DOE TRUSTEE PROCESS DEFENDANTS

DOCKET NO: 216-2016-CV-00277

**MEMORANDUM IN SUPPORT OF**  
**MOTION FOR PROTECTIVE ORDER**

Pursuant to Rule 29(a), the Defendant, The Mortgage Specialists, Inc. ("MSI") and Michael J. Gill ("Gill"), Pro Se, (collectively, "Defendants") in the above captioned matter, have filed with the Court a Motion for Protective Order and respectfully move this Honorable Court to enter a Protective Order prohibiting the discovery related to the names, demographic information, and other information that would reveal the identity of select individuals (John/Jane Doe #1 - #27). In support thereof, Defendants state:

**I. Introduction**

On April 18, 2016, the Plaintiffs, Dick Anagnost, H. Andrew Crews, and William Greiner filed a Verified Complaint against MSI, Gill, and Aaron Day ("Day") alleging Defamation Per Se, and seeking enhanced damages. The alleged Defamation per se includes:

corruption, crimes of selling drugs, crimes of selling guns, the killing of children as a result of drug dealing, money laundering, and extortion.<sup>1</sup> See Complaint. ¶ 2

On May 19, 2016, the Defendants filed their Answer and Affirmative Defense (“Answer”) to the Plaintiff Verified Complaint.<sup>2</sup> The Defendants assert that the Complaint fails to state a claim against the Defendants upon which relief can be granted and, therefore, the Complaint should be dismissed because there was no publication of the alleged defamatory statement or language. Answer – Statement of Affirmative Defense ¶ 3. It is axiomatic that a statement cannot be defamatory, per se or otherwise, if it is true. Additionally, the Defendants assert that the Complaint should be dismissed because there was no publication of the alleged defamatory statement and comments, if any, made by the Defendants regarding (sic) Plaintiffs, were assertions of true fact and/or substantial truth made in good faith and for a justifiable purpose. Answer – Statement of Affirmative Defense ¶¶ 4, 21, 38.

## **II. Facts**

The Complaint indicates that all of the Plaintiffs are successful local businessmen that are involved in the community. Plaintiff Anagnost - “[i]n 2016, being named Business Leader of the Year by Business NH Magazine; in 2015, being named Empire Builder by Business NH Magazine and a Moore Center Services Garden Party Honoree; in 2014, being named one of New Hampshire’s Top Developers by Business NH magazine...in 2012, being named one of NH’s Most Influential People by NH Business Magazine ...in 2009, being named Greater Manchester Chamber of Commerce, Citizen of the Year;...” Plaintiff Crews - “[s]its on the board of several non-profit groups...In 2009, Mr. Crews was honored as one of the Union

<sup>1</sup> Defendants incorporate the Plaintiffs’ Verified Complaint for Defamation per se.

<sup>2</sup> Defendants incorporate the Defendants’ Answer and Affirmative Defense.

Leader's "40 Under Forty" and named one of New Hampshire's most influential people in 2012, 2013, and 2014 by Business New Hampshire Magazine....named Citizen of the year by the Greater Manchester Chamber of Commerce." Plaintiff Greiner – "[T]own Councilor in Bedford, New Hampshire,...board member for numerous non-profits and community boards..." See Complaint. ¶¶ 12-14, 18. The Complaint alleges that "Gill, Mortgage Specialists and Day wantonly and maliciously defamed Mr. Anagnost, Mr. Crews, and Mr. Greiner by falsely accusing them of crimes including selling drugs and guns, killing children as a result of their drug dealing, laundering money and extortion." See Complaint. ¶ 2.

The Complaint indicates that Gill uses various forms of media to market and magnify his statements to reach a broader audience. See Complaint. ¶ 25 "Gill and Mortgage Specialists own electronic billboards located throughout New Hampshire including one in Manchester ("Manchester Billboard")" and that "[G]ill has admitted that he uses his electronic billboards, including the Manchester Billboard, to "make news" and that his statements are designed to garner public attention." See Complaint. ¶ 20. These "marketing efforts" include: electronic billboards, weekly talk radio show known as State of Corruption ("SOC Radio"), State of Corruption Website ("SOC Website"), State of Corruption Facebook Page ("SOC Facebook"), and YouTube. See Complaint ¶¶ 21-24.

The Defendants are subject to Rule 22 of the New Hampshire Superior Court Civil Rules, which requires that the names and, if known, the address and telephone number of witnesses be provided to the Plaintiffs.

### **Rule 22. Automatic Disclosures**

(a) *Materials that Must Be Disclosed.* Except as may be otherwise ordered by the court for good cause shown, a party must without awaiting a discovery request, provide to the other parties:

(1) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support his or her claims or defenses, unless the use would be solely for impeachment, and, unless such information is contained in a document provided pursuant to Rule 22(a)(2), a summary of the information believed by the disclosing party to be possessed by each such person;

(2) a copy of all documents, electronically stored information, and tangible things that the disclosing party has in his or her possession, custody or control and may use to support his or her claims or defenses, unless the use would be solely for impeachment;

On June 8, 2016 the Plaintiffs filed their First Set of Requests for Production of Documents to Defendant The Mortgage Specialists, Inc and their First Set of Requests for Production of Documents to Defendant Michael J. Gill. The disclosures required by the Plaintiffs' First Set of Requests for Production of Documents to the Defendants currently have a close date of July 8, 2016.

### **III. Law**

#### **a. Public Figure**

The Plaintiffs, as a "prominent local businessman" are a "limited-purpose public figures," *See Thomas v. Telegraph Publ'g Co.*, 155 N.H. 314, 341, 929 A.2d 993 (2007) and *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974). The Plaintiffs have voluntarily exposed themselves to increased public scrutiny, given their assumption of "an influential role in ordering society." *See Thomas v. Telegraph Publ'g Co.*, 155 N.H. 341, 929 A.2d 993 (2007). The United States Supreme Court has made clear that a public controversy is a dispute that in fact has received public attention because its ramifications will be felt by persons who are not direct participants. "[I]ndividuals may become limited-purpose public figures when they have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved." *See Lassonde v Staton*, 157 N.H. at 590

(quotations omitted). The public controversy of crimes of selling drugs and guns, killing children as a result of drug dealing, money laundering, and extortion are not simply a matter of interest to the public; the outcome of which affects the general public or some segment of it in an appreciable way. See Waldbaum, 627 F.2d at 1296; Norris, 53 F.Supp.2d at 503. The scope of the controversies mentioned above in which the Plaintiffs are involved (See Fact 12 & 17) defines the bounds of their public presence, See OAO Alfa Bank v. Center for Public Integrity, 387 F.Supp.2d 20, 42-43 (D.D.C.2005).

**b. Journalistic Privilege**

Defendant Gill invokes journalist's privilege. The intent of Mr. Gill was to use material he actively sought, gathered, or received to disseminate information to public about corruption, crimes of selling drugs, crimes of selling guns, the killing of children as a result of drug dealing, money laundering, and extortion. See von Bulow v. von Bulow, 811 F.2d 136 (2nd Cir.), cert denied 481 U.S. 1015, 107 S.Ct. 1891, 95 L.Ed.2d 498 (1987). SOC Website, SOC Facebook page, SOC Radio, and Youtube are outlets through which Defendant Gill reports the news to the public. Journalist's privilege is designed to protect investigative reporting, regardless of the medium used to report the news to the public. See von Bulow v. von Bulow (See Facts 20, 22 – 30); Philadelphia Newspapers v. Hepps, 475 U.S. 767 (1986); New York Times Co. v. Sullivan, 376 U.S. 254 [84 S.Ct. 710, 11 L.Ed.2d 686] (1964); Mortgage Specialists, Inc., v Implode-Explode Heavy Industries, Inc. 160 N.N. 227 (2010).

Statements made about the Plaintiffs are matters of public interest and “Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be inviolably preserved.” NH Constitution Part 1, Article 22; See Opinions of the Justices, 117 N.H. 386 (1977); Keene Publishing Corp. v. Keene District Court, 117 N.H. 959 (1977). In Gertz, the



Supreme Court held that presumed damages were not available absent “a showing of knowledge of falsity or reckless disregard for the truth,” where the defamation action was brought by a private individual regarding a matter of public concern. See *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974) at 349, 94 S.Ct. at 3011. The alleged defamation involved is a matter of public concern and maintains the constitutional value of speech. See *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761, 105 S.Ct. 2939, 2946, 86 L.Ed.2d 593 (1985). Since *New York Times*, the doctrine announced by that case, which represented a major development and which was widely perceived as essentially protective of press freedoms, has been repeatedly affirmed as the appropriate First Amendment standard applicable in libel actions brought by public officials and public figures. *Curtis Publishing Co. v. Butts*, 388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967); *St. Amant v. Thompson*, 390 U.S. 727, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974); *Time, Inc. v. Firestone*, 424 U.S. 448, 96 S.Ct. 958, 47 L.Ed.2d 154 (1976).

c. **Journalist Privilege and Non-disclosure of Sources of Information**

Freedom of the press is guaranteed under both the First Amendment of the U.S. Constitution and the New Hampshire Constitution. See N.H. Constitution Pt. 1 Art. 22 (“Free speech and liberty of the press are essential to the security of freedom in the state: They ought, therefore, to be inviolably preserved.”) Courts in New Hampshire and across the nation have recognized reporter’s privilege stemming from both federal and state laws that allow journalists to protect confidential sources. See *O’Grady v Super Court*, 139 Cal.App.4<sup>th</sup> (2006); *Blumenthal v Drudge*, 186 F.R.D. 236 (D.D.C. 1999) The N.H. Supreme Court has made it clear that there is a qualified reporter’s privilege in civil cases in New Hampshire. See *Opinion of the Justices* 117

N. H. 386 (1977). “[o]ur constitution quite consciously ties a free press to a free state, for effective self-government cannot succeed unless the people have access to an unimpeded and uncensored flow of reporting. News gathering is an integral part of the process.” Additionally, qualified reporter’s privilege has been extended to criminal cases, whereby the reporter’s interest in protecting a source of information outweighed a criminal defendant’s interest in obtaining the source’s identity, whereby protecting journalists from being compelled to reveal confidential sources and information. See *State v Siel*, 122 N.H. 254, 259-61 (1982); *Branzburg v Hayes*, 408 U.S. 665 (1972); *Bruno & Stillman, Inc. v Globe Newspaper Co.*, 663 F.2d 583 (1<sup>st</sup> Cir. 1980).

This privilege has extended to non-traditional newgatherers including Internet journalists and book authors when they are acting with the intent to disseminate investigative news to the public. See *Von Bulow v von Bulow*, 811 F2d 136 (2d Cir. 1987). Unlike the authors in von Bulow, Defendant Gill had every intention at the inception of the newsgathering process to disseminate investigative news to the public. The First Circuit Court noted:

[T]he medium an individual uses to provide his investigative reporting to the public does not make a dispositive difference in the degree of protection accorded to his work....the Courts will make a measure of protection available to him as long as he intended “at the inception of the newsgathering process” to use the fruits of his research “to disseminate information to the public.”

See *Cusumano v Microsoft, Corp.*, 162 F.3d at 714. The Defendants are not employed by or affiliated with the Plaintiffs or subsections of its news coverage. Defendant Gill offers independent news via electronic billboards, SOC Website, SOC Radio, SOC Facebook and Youtube videos that provide important independent news coverage of current issues within the State of New Hampshire and surrounding New England area. The Defendants, like the authors in

*Cusumano*, have a First Amendment right to protect the identity of any confidential sources it uses in the newsgathering process and contained in discoverable documents, communications, and ESI.

The U. S Supreme Court recognized that it is not the medium of publication, but the function of the organization or individual that determines journalist's privilege. "The liberty of the press is not confined to newspapers and periodicals...The press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion." See Lovell v City of Griffin, 303 U.S. 444,452 (1938); *Mortgage Specialists, Inc., v Implode-Explode Heavy Industries, Inc.* 160 N.N. 227 (2010).

**d. Grand Jury Secrecy is Essential to the Criminal Justice System**

The Defendants assert that the Plaintiffs are involved in multiple criminal activities including those that are serious felony Federal Crimes defined under Title 18 U.S.C. and Title 21 U.S.C. such as: 18 U.S.C § 19 - Conspiracy; 21 U.S.C Part D - Drug Trafficking; 18 U.S.C § 641 - Theft of Public Money, Property, and Records; 18 U.S.C § 666 - Theft or Bribery of Monies from Federal Funds; 18 U.S.C § 41 - Extortion and Threats; 18 U.S.C § 44 – Firearms & Gun Crimes, 18 U.S.C § 1112 - Manslaughter; 18 U.S.C § 73 - Obstruction of Justice, 18 U.S.C § 95 - Racketeering; and 18 U.S.C § 113 - Stolen Property. These activities extend beyond the boundaries of the state of New Hampshire.

It is a matter of fundamental importance in the criminal justice system that grand jury proceedings should be kept secret to the fullest practical extent. See United States v Proctor & Gamble Co., 356 U.S. 677, 78 s. Ct. 983 (1958). Select witnesses and individuals with discoverable documents, communications, and ESI for the defense in this matter may or may not

arise from an active grand jury investigation in this District concerning the laundering of money involved with drug trafficking, the illegal sale of prescription medications, and the sale of illegal drugs. An ongoing grand jury investigation may or may not involve unindicted co-conspirators or other putative defendants. Disclosure may compromise future criminal cases by hindering the cooperation and testimony of witnesses and individuals with discoverable materials. Evidence may be destroyed or otherwise disappear. It has been recognized that a protective order is a necessary way to protect witnesses from threats, bribery and other corrupt influences. See *United States v. Anderson*, 509 F.2d 724,730 (9<sup>th</sup> Cir.), cert. denied, 420 U.S. 910, 95 S.Ct. 831 (1975); *United States v. Dellinger*, 472 F.2d 340, 392 (7<sup>th</sup> Cir. 1972), cert. denied, 410 U.S. 970, 93 S.Ct. 1443 (1973); *United States v Salsedo*, 477 F. Supp. 1235, 1244 (E.D. Cal. 1979), vacated and remanded on other grounds, 622 F.2d. 465 (9<sup>th</sup> Cir. 1980).

Due to the nature of the criminal activities, select witnesses and individuals with discoverable documents, communications, and ESI for the defense may be eligible for the Witness Security Program, whose policies regarding the use of this program can be found in the U. S Attorney Manual ("USAM") 9-21.100:

#### 9-21.100 - Eligibility For the Witness Security Program

A witness may be considered for acceptance into the Witness Security Program if they are an essential witness in a specific case of the following types:

- A. Any offense defined in Title 18, United States Code, Section 1961(1) (organized crime and racketeering);
- B. Any drug trafficking offense described in Title 21, United States Code;
- C. Any other serious Federal felony for which a witness may provide testimony that may subject the witness to retaliation by violence or threats of violence;
- D. Any State offense that is similar in nature to those set forth above; and
- E. Certain civil and administrative proceedings in which testimony given by a witness may place the safety of that witness in jeopardy.

Defendants' concerns about grand jury secrecy is heightened in that Plaintiffs' law firm (Shaheen & Gordon, P.A.) may also represents subjects and potential targets of the investigation that the grand jury may or may not have. (<https://www.youtube.com/watch?v=EPaMscK-QRI&feature=youtu.be>) Shaheen & Gordon, P.A. as a law firm, is listed as Best NH Criminal Defense Attorneys with Steven M Gordon and James D Rosenberg listed in the top three across New Hampshire including: Concord, Keene, Dublin, Manchester, and Laconia. Steven M. Gordon's biography states he has been recognized by "The Best Lawyers in America since 1991 in the areas of criminal defense and First Amendment law" (<http://profiles.superlawyers.com/new-hampshire/concord/lawyer/steven-m-gordon/550ff581-6087-4700-ab2f-08e0f523829e.html>) and James D. Rosenberg biography states "selected by his peers for inclusion to the 2008, 2009, 2010, 2011, 2012 & 2013 Super Lawyers Rising Star list in the area of criminal defense." (<http://profiles.superlawyers.com/new-hampshire/concord/lawyer/james-d-rosenberg/5783372f-a7ac-4a33-979a-fa6f66a9b5a9.html>). Given this potential overlap, it is unacceptable to allow the Plaintiffs' lawyers to have unfettered access to inquire about matters that may or may not directly impact the grand jury investigation and other clients that Shaheen & Gordon, P.A., may or may not represent.

In balancing the interests of an individual's ability to pursue civil discovery with those of the United States and the public in protecting grand jury secrecy, civil discovery is routinely limited -- or sometimes postponed altogether -- pursuant to protective orders where such civil discovery may be used by targets, potential targets or subjects of an investigation to circumvent the limited scope of discovery rules under the Federal Rules of Criminal Procedure. See, *Founding Church of Scientology, Etc., v. Kelley*, 77 F.R.D. 378 n.4 (D.D.C. 1977); *Campbell v. Eastland*, 307 F.2d 478, 487 (5th Cir. 1962), cert. denied, 371 U.S. 955 (1963). Based on a

review of the Plaintiffs' document request, it appears that there may be a substantial overlap between the subject matter of the Plaintiffs' discovery request and the subject matter of the grand jury investigation that the government may or may not be conducting.<sup>3</sup>

**IV. A Protective Order is a Necessary and Appropriate means of Ensuring First Amendment Rights**

Under the First Amendment and New Hampshire Law, the court must conduct a balancing test that weighs the First Amendment rights of a news organization or journalist against the rights of the litigant seeing the information. It is vital that this court balance the First Amendment rights of Defendant Gill and news media to ensure that reporters are not forced to serve as investigative arms of the government or courts. The need to protect the identity of their confidential sources outweighs the Plaintiff's request for information. *See Bruno & Stillman, Inc. v Globe Newspaper Co.*, 633 F2d (1<sup>st</sup> Cir. 1980). *Mortgage Specialists, Inc., v Implode-Explode Heavy Industries, Inc.* 160 N.N. 227 (2010). This court should find that the Defendants select witnesses and persons providing discoverable documents, communications, and ESI should be protected. Requiring the Defendants to disclose their confidential sources will hinder their ability to effectively disseminate newsworthy information to the public and violate the First Amendments Rights of the Defendants.

**V. A Protective Order is Necessary and Appropriate means of Ensuring the Secrecy and Efficacy of Grand Jury Investigations**

Select witnesses and persons providing discoverable documents, communications, and ESI may face pressure, intimidation, threats, and violent acts from criminals, organized criminal groups or gangs, and friends or family members of the Plaintiffs. A Protective Order for unwarranted disclosure of select individuals' names and demographic information and

use of redacted materials leaving out select names and demographic information will ensure that the Defendants can reasonably mount a defense without compromising the safety of those individuals nor impede a grand jury investigation.<sup>3</sup>

## **VI. The Proposed Order is Narrowly Drawn**

The protective order sought by the Defendants in this matter would not restrict the Plaintiffs' rights to discovery under Rule 22(a) or Rule 24 of the New Hampshire Civil Rules. It specifically prohibits dissemination of demographic information of select individuals pursuant to Rule 29(a) and 18 U.S. Code § 3521. Courts have upheld protective orders when the public's interest in protecting the flow of information to government and safety outweighs the right to information. *See United States v Caparros*, 800 F2d 23,25 (2d Cir.1986); *United States v Garcia*, 625 F.2d 162, 165 (7<sup>th</sup> Cir.1980). A protective order would protect witnesses and preserve the efficacy of grand jury investigations. This will prevent the potential disclosure of materials that may harm third parties. The Plaintiffs will not be limited in the scope of information they receive, thereby the Plaintiffs are not unfairly prejudiced by a protective order.

## **VII. Conclusion**

The protective order for the Defendants is warranted given the foregoing discussion and authorities.

WHEREFORE, the Defendants respectfully request this Honorable Court:

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<sup>3</sup> Defendants incorporate the Defendants' Supplement in Support of Motions Argued at June 21, 2016 Hearing.

- A. Enter a Protective Order prohibiting discovery related to the names, demographic information, and other information that would reveal the identity of select individuals (John/Jane Doe #1 - #27).
- B. Enter additional Protective Orders as justice requires.

Respectfully submitted,  
Defendant, Michael Gill, Pro Se  
Defendant, MSI, Pro Se

Dated: 06/30/2016

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CERTIFICATE OF SERVICE

I, Michael Gill, do hereby certify that pursuant to New Hampshire Superior Court Rule 3(a), I have this day served the foregoing **Defendant, The Mortgage Specialists', Inc., and Defendant, Michael J. Gill's Motion for Protective Orders and Memorandum in Support of Motion for Protective Orders**, to all counsel of record in this action via first class mail prepaid postage to:

*Counsel for Plaintiffs*  
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Dated: 06/30/2016

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DICK ANAGNOST,  
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JOHN DOE TRUSTEE PROCESS DEFENDANTS

DOCKET NO: 216-2016-CV-00277

**MOTION FOR PROTECTIVE ORDER**

NOW COMES the Defendant, The Mortgage Specialists, Inc. ("MSP") and Michael J. Gill ("Gill"), Pro Se, (collectively, "Defendants") in the above captioned matter, respectfully move this Honorable Court to enter a Protective Order pursuant to Rule 29(a) of the New Hampshire Superior Court Civil Rules, The Witness Security Reform Act of 1984 - Part F of Chapter XII of the Comprehensive Crime Control Act of 1984, and Title 18 U.S. Code § 3521 on grounds that such discovery would endanger the person or parties and subject them to undue burden, harassment, oppression as set forth in Rule 29(a) and/or acts of violence as set forth in Title 18 U.S. Code § 73. The Defendants move this honorable Court to enter a Protective Order prohibiting discovery related to the names, demographic information, and other information that would reveal the identity of select individuals (John/Jane Doe #1 - #27). The Defendants have


attached a Memorandum in Support of the Motion for Protective Order that outlines the grounds for this motion.

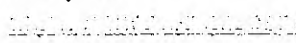
Respectfully submitted,

Defendant, Michael Gill, Pro Se

Defendant, MSI, Pro Se

Dated: 06/30/2016

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